

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**THIRTY-SIXTH LEGISLATIVE DAY**  
**MONDAY, FEBRUARY 16, 2004**

Senate Chamber

President Risch called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senators Burkett, Sorensen, Stegner, and President Pro Tempore Geddes, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Megan Ball, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett, Sorensen, Stegner, and President Pro Tempore Geddes were recorded present at this order of business.

February 16, 2004

The JUDICIARY AND RULES Committee reports that **S 1308**, **S 1309**, **S 1310**, **S 1311**, **S 1312**, **S 1313**, **S 1314**, **S 1315**, and **SJM 107** have been correctly printed.

DARRINGTON, Chairman

**S 1308** and **S 1310** were referred to the Education Committee.

**S 1309** was referred to the State Affairs Committee.

**S 1311** was referred to the Transportation Committee.

**S 1312**, **S 1313**, **S 1314**, and **S 1315** were referred to the Agricultural Affairs Committee.

**SCR 107** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 13, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1239** was delivered to the Office of the Governor at 2:40 p.m., February 13, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 13, 2004

The STATE AFFAIRS Committee reports out **S 1264**, **H 561**, **H 562**, and **H 534** with the recommendation that they do pass.

SORENSEN, Chairman

**S 1264**, **H 561**, **H 562**, and **H 534** were filed for second reading.

February 13, 2004

The STATE AFFAIRS Committee reports out **H 500** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SORENSEN, Chairman

There being no objection, **H 500** was referred to the Fourteenth Order of Business, General Calendar.

February 13, 2004

The JUDICIARY AND RULES Committee reports out **S 1263** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1263** was filed for second reading.

February 13, 2004

The JUDICIARY AND RULES Committee reports out **S 1243** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1243** was referred to the Fourteenth Order of Business, General Calendar.

February 13, 2004

The EDUCATION Committee reports out **S 1233** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1233** was filed for second reading.

February 13, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1240**, **S 1241**, **S 1242**, **S 1256**, **S 1257**, **S 1258**, and **S 1259** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1240**, **S 1241**, **S 1242**, **S 1256**, **S 1257**, **S 1258**, and **S 1259** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 12, 2004

The Honorable Robert L. Geddes  
President Pro Tempore of the Senate  
Idaho Legislature

Dear Mr. President Pro Tempore:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1213**, **S 1216**, **S 1217**, **S 1218**

Sincerely,  
/s/ James E. Risch  
Acting Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 16, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike Matthews of Declo, Idaho, was appointed as a member of the Idaho Commission on Pardons and Parole to serve a term commencing February 2, 2004, and expiring January 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 13, 2004

Mr. President:

I transmit herewith **H 521** which has passed the House.

JUKER, Chief Clerk

**H 521** was filed for first reading.

February 13, 2004

Mr. President:

I return herewith Enrolled **SCR 119** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **SCR 119** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Jay F. Kunze was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Marley, seconded by Senator Davis, the Gubernatorial appointment of Jay F. Kunze as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 122** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brandt, seconded by Senator Stennett, **SCR 122** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Craig Hill was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Craig Hill as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stennett, granted by unanimous consent, **SCR 123** retained its place on the calendar for Friday, February 20, 2004.

The President announced the Commerce and Human Resources Committee report, relative to the Gubernatorial appointments of Brad Little, William W. Deal, and Mary Hartung, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, the Gubernatorial appointment of Brad Little as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

On motion by Senator Andreason, seconded by Senator Malepeai, the Gubernatorial appointment of William W. Deal as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

On request by Senator Davis, granted by unanimous consent, the Gubernatorial appointments of Dr. Rick Miller and M. Dean Buffington retained their place on the calendar for one legislative day.

On motion by Senator Cameron, seconded by Senator Goedde, the Gubernatorial appointment of Mary Hartung as Director of the Idaho Department of Insurance was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

## MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Chairmen, Senators Noble and Compton. The Invocation was delivered by Senator Malepeai and remarks were presented by Senator Noble. The Memorial to the late Senator James Arthur Leese was presented by Senator Marley. Musical selections, "*My Shepherd Will Supply My Need*" and "*May the Road Rise to Meet You,*" were performed by Marta Johns and Whitney Johns of Boise, Idaho.

## IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator JAMES ARTHUR LEESE passed on since the close of the First Regular Session of the Fifty-seventh Legislature - to wit, October 26, 2003.

WHEREAS, the late Senator JAMES ARTHUR LEESE served the Senate in the interest of Bannock County during the Forty-fourth through the Forty-fifth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED THAT the Senate of the Second Regular Session of the Fifty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator JAMES ARTHUR LEESE; and

BE IT FURTHER RESOLVED, that the Senate of the Second Regular Session of the Fifty-seventh Legislature extends to the bereaved family the heartfelt sympathy of this entire body, and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the JAMES ARTHUR LEESE family.

On motion by Senator Marley, seconded by Senator Davis, the Memorial to the late Senator James Arthur Leese was adopted by voice vote.

The Benediction was offered by Chaplain Hardenbrook.

Senator Noble declared the committee for the Memorial Service dissolved.

Following the Memorial Service, President Risch called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and the President called Senators Bailey and McKenzie to the Chair to preside over the Lincoln Day Memorial Service.

The annual Lincoln Day Memorial Service was presented to the members of the Senate with Senators Bailey and McKenzie presiding. Musical selections, "*America the Beautiful*," "*God Bless America*," and "*The Star Spangled Banner*" were performed by the Northwesters of Northwest Nazarene University, Nampa, Idaho. A recitation of the Gettysburg Address was given by Tyler Hill, with "Taps" performed by Cameron Gilbert.

Following the Lincoln Day Memorial Service, Senator Bailey declared the committee dissolved and the President called the Senate to order.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1316**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO THE DEPARTMENT OF HEALTH AND WELFARE; STATING FINDINGS OF THE LEGISLATURE AND PROVIDING THAT THE NAME OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL BE CHANGED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; AMENDING SECTION 56-1001, IDAHO CODE, TO PROVIDE A NAME CHANGE FOR THE DEPARTMENT OF HEALTH AND WELFARE, AND THE BOARD OF HEALTH AND WELFARE AND TO GOVERN REFERENCES TO THE DEPARTMENT OF HEALTH AND WELFARE; AND AMENDING SECTIONS 67-2402 AND 67-2406, IDAHO CODE, TO PROVIDE A NAME CHANGE FOR THE DEPARTMENT OF HEALTH AND WELFARE.

**S 1317**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO EMERGENCY SERVICES; AMENDING SECTION 46-1007, IDAHO CODE, TO CLARIFY JURISDICTION OF LICENSED EMERGENCY MEDICAL SERVICE AGENCIES; AND AMENDING SECTION 46-1009, IDAHO CODE, TO PROVIDE AN EXCEPTION TO JURISDICTION OF THE SHERIFF.

**S 1318**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO THE PRACTICE OF PODIATRY; AMENDING SECTION 39-1395, IDAHO CODE, TO REMOVE CERTAIN MEDICAL STAFF MEMBERSHIP REQUIREMENTS.

**S 1319**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO FAMILY PLANNING; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209m, IDAHO CODE, TO SET FORTH LEGISLATIVE FINDINGS, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL APPLY FOR A FAMILY PLANNING DEMONSTRATION WAIVER, TO REQUIRE THE DIRECTOR TO ESTABLISH BASELINE BIRTHRATES AND TO PROVIDE A REPORT TO THE LEGISLATURE AND TO DEFINE TERMS.

**S 1320**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO EMERGENCY MEDICAL SERVICES PERSONNEL; AMENDING SECTION 39-1392a, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE "EMERGENCY MEDICAL SERVICES PERSONNEL" AND "LICENSED EMERGENCY MEDICAL SERVICE"; AMENDING SECTION 39-1392b, IDAHO CODE, TO

PROVIDE THAT NO DISCIPLINARY ORDER OF A CERTIFICATION FOR EMERGENCY MEDICAL SERVICES PERSONNEL SHALL BE ADMISSIBLE IN A CIVIL PROCEEDING SEEKING DAMAGES OR OTHER CIVIL RELIEF AGAINST THE EMERGENCY MEDICAL SERVICES PERSONNEL; AMENDING SECTION 39-1392e, IDAHO CODE, TO REVISE EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY TO INCLUDE REFERENCES TO EMERGENCY MEDICAL SERVICES PERSONNEL AND TO MAKE A GRAMMATICAL CORRECTION; AND AMENDING SECTION 39-1393, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE TO PROVIDE A REFERENCE TO EMERGENCY MEDICAL SERVICES PERSONNEL, TO PROVIDE FOR THE SUBMISSION OF CERTAIN REPORTS ON EMERGENCY MEDICAL SERVICES PERSONNEL TO THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE CLARIFYING LANGUAGE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL APPROVE FORMS FOR REPORTS CONCERNING EMERGENCY MEDICAL SERVICES PERSONNEL, TO REQUIRE THE REPORTING OF PROFESSIONAL REVIEW ACTION SANCTIONS AGAINST EMERGENCY MEDICAL SERVICES PERSONNEL TO THE DEPARTMENT OF HEALTH AND WELFARE AND TO REQUIRE THAT THE REPORT INCLUDE CERTAIN STATEMENTS.

**S 1321**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO ABORTION; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 18-605, IDAHO CODE, TO PROVIDE A CAUSE OF ACTION ARISING FROM STATUTE OR OTHERWISE TO ANY PERSON INJURED BY THE CAUSING OR PERFORMING OF AN ABORTION ON A PREGNANT PATIENT IN VIOLATION OF STATUTE AND TO PROVIDE DAMAGES; REPEALING SECTION 18-609, IDAHO CODE; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-609, IDAHO CODE, TO PROVIDE PROCEDURES WHEN ABORTIONS MAY BE PERFORMED AND TO PROVIDE FOR NOTICE; AND PROVIDING SEVERABILITY.

**S 1322**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO IDAHO PROMISE SCHOLARSHIPS; AMENDING SECTION 33-4307, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF THE SCHOLARSHIP AND TO MAKE TECHNICAL CORRECTIONS.

**S 1323**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO SCHOOL BUS DRIVERS; AMENDING SECTION 33-1509, IDAHO CODE, TO DELETE PROVISIONS WHICH ALLOW A MEDICAL WAIVER FOR INDIVIDUALS WITH INSULIN DEPENDENT DIABETES MELLITUS.

**S 1324**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602E, IDAHO CODE, TO CLARIFY THE EXEMPTION FROM PROPERTY TAX FOR A PORTION OF A BUILDING USED FOR SCHOOL OR

EDUCATIONAL PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1325**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOL CHARTERS; AMENDING SECTION 33-5209, IDAHO CODE, TO PROVIDE THAT A CHARTER IS VALID UNLESS REVOKED FOR CAUSE AND TO PROVIDE A PERIOD OF PROBATION AND REMEDIATION.

**S 1326**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5202, IDAHO CODE, TO REVISE THE STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 33-5203, IDAHO CODE, TO ELIMINATE CERTAIN LIMITATIONS ON THE NUMBER OF CHARTERS GRANTED FOR CHARTER SCHOOLS; AMENDING SECTION 33-5204, IDAHO CODE, TO FURTHER GOVERN THE OPERATION OF A CHARTER SCHOOL AND THE APPLICABILITY OF STATE LAW; AMENDING SECTION 33-5205, IDAHO CODE, TO REQUIRE ARTICLES OF INCORPORATION AND BYLAWS, ELECTION PROCESSES, QUALIFICATIONS OF EMPLOYEES AND ADMISSION PROCEDURES TO BE CONTAINED IN THE PETITION TO ESTABLISH A CHARTER SCHOOL; AMENDING SECTION 33-5206, IDAHO CODE, TO SPECIFY ADDITIONAL REQUIREMENTS FOR APPROVAL AND TO REQUIRE APPROVAL OF THE FORMAT OF THE CONTRACT FOR TEACHERS AND ADMINISTRATORS; AMENDING SECTION 33-5207, IDAHO CODE, TO FURTHER GOVERN CHARTER APPEAL PROCEDURE; AND AMENDING SECTION 33-5208, IDAHO CODE, TO AUTHORIZE ADVANCE APPROPRIATION FOR TRANSPORTATION COSTS.

**S 1327**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5209, IDAHO CODE, TO AUTHORIZE A PERIOD OF PROBATION AND SPECIFY TERMS GOVERNING PROBATION.

**S 1328**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DIRECTORS OF A PUBLIC CHARTER SCHOOL IS SUBJECT TO THE SAME RULES OF CONDUCT IN EXISTING PROVISIONS OF LAW AS ARE LOCAL PUBLIC SCHOOL BOARDS OF TRUSTEES.

**S 1329**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO REMOVE LIMITS ON THE NUMBER OF CHARTER SCHOOLS AND TO REQUIRE A REVIEW OF A PROPOSED CHARTER BY THE STATE DEPARTMENT OF EDUCATION.

**S 1330**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE, TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO WITHHOLD FUNDS OF A CHARTER SCHOOL NOT IN COMPLIANCE WITH STATE LAW.

**S 1331**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-1511, IDAHO CODE, TO PROVIDE FOR THE BOARD'S POWER AND DUTY TO AUTHORIZE THE SUPERVISOR OF SCHOOL TRANSPORTATION TO CONDUCT CERTAIN REVIEWS AND AUDITS, TO SET PRIORITY FOR THE SELECTION OF DISTRICTS FOR REVIEWS AND AUDITS, TO PROVIDE FOR THE BOARD'S POWER AND DUTY TO AUTHORIZE THE SUPERVISOR TO PROVIDE LISTS OF REQUIRED CORRECTIVE ACTIONS TO SCHOOL DISTRICTS, TO PROVIDE FOR THE BOARD'S POWER AND DUTY TO REQUIRE SCHOOL DISTRICTS TO SUBMIT PROGRESS REPORTS ON CORRECTIVE ACTIONS TO THE STATE DEPARTMENT OF EDUCATION AND TO WITHHOLD ALL OR A PORTION OF A DISTRICT'S PUPIL TRANSPORTATION REIMBURSEMENT FUNDING IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR APPEALS.

**S 1332**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE IDAHO FALSE CLAIMS ACT; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 6, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR LIMITATION OF DAMAGES AND WAIVER OF PENALTY FOR COOPERATION, TO PROVIDE FOR JOINT AND SEVERAL LIABILITY, TO PROVIDE FOR INVESTIGATION AND ACTION, TO PROVIDE FOR THE MAINTENANCE OF ACTIONS BY PRIVATE PLAINTIFFS, TO LIMIT ACTIONS, TO PROVIDE FOR INTERVENTION, TO PROVIDE FOR EXTENSIONS, TO PROVIDE FOR THE UNSEALING OF COMPLAINTS, TO PROVIDE FOR THE DISMISSAL OF ACTIONS, TO PERMIT SETTLEMENTS, TO SET FORTH PROVISIONS APPLICABLE TO THE DECLINATION TO INTERVENE, TO PROVIDE FOR THE EFFECT OF INTERVENTION, TO ALLOW FOR SUBSEQUENT INTERVENTION, TO SET FORTH A TIMELINE FOR THE RESPONSE OF DEFENDANTS, TO PROVIDE FOR STAY OF DISCOVERY, TO PROVIDE FOR THE LIMITATION UPON PARTICIPATION BY PRIVATE PLAINTIFFS, TO SET FORTH OTHER LIMITATION OF ACTIONS, TO PROVIDE FOR A STANDARD OF PROOF, TO PROVIDE FOR THE EFFECT OF FINDINGS IN CRIMINAL PROCEEDINGS, TO PROVIDE FOR THE AWARD OF EXPENSES AND ATTORNEY'S FEES, TO PROVIDE FOR RECOVERY, TO SET FORTH PROHIBITIONS AND TO PROVIDE FOR EMPLOYER LIABILITY.

**S 1333**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO AIRCRAFT AND AIRPORT SAFETY; AMENDING SECTION 18-7503, IDAHO CODE, TO CLARIFY THAT PERSONS WHO PLEAD GUILTY TO OR ARE FOUND GUILTY OF VIOLATING CERTAIN PROVISIONS OF LAW APPLICABLE TO THE SAFETY OF AIRPORTS AND AIRCRAFT SHALL BE GUILTY OF A MISDEMEANOR AND TO PROVIDE THAT PERSONS WHO REFUSE TO SUBMIT TO A SEARCH OR SCREENING UPON ENTERING OR ATTEMPTING TO ENTER THE STERILE AREA OF AN AIRPORT SHALL BE DENIED THE RIGHT TO REMAIN IN SUCH AREA.

**S 1334**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO MEDICAL INDIGENCY; AMENDING SECTION 31-3504, IDAHO CODE, TO ELIMINATE THE AUTOMATIC LIEN PROVISION UPON APPLICATION FOR FINANCIAL ASSISTANCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1316, S 1317, S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1325, S 1326, S 1327, S 1328, S 1329, S 1330, S 1331, S 1332, S 1333, and S 1334** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 521**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1278**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 551** and **H 553**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4 p.m. of this day.

**RECESS**  
**AFTERNOON SESSION**

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators McKenzie, Noh, Schroeder, and Stennett, absent and excused.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business, Presentation of Petitions, Resolutions, and Memorials.

**Petitions, Resolutions, and Memorials**

Senator Stennett was recorded present at this order of business.

**SCR 124**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

A CONCURRENT RESOLUTION  
 STATING FINDINGS OF THE LEGISLATURE AND  
 REJECTING CERTAIN RULES OF THE DIVISION OF  
 HUMAN RESOURCES AND PERSONNEL COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Human Resources and Personnel Commission are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 15.04.01, rules of the Division of Human Resources and Personnel Commission, the entire rulemaking docket, adopted as pending rules under Docket Number 15-0401-0301, be, and the same are hereby rejected and declared null, void and of no force and effect.

**SCR 125**  
**BY EDUCATION COMMITTEE**  
 A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND  
 REQUESTING AN ASSESSMENT OF THE IDAHO  
 STANDARD ACHIEVEMENT TEST BY THE OFFICE OF  
 PERFORMANCE EVALUATIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, it is the responsibility of the Legislature of the State of Idaho to establish education policy and to assure that the implementation of policy is in the best interests of the citizens of the state of Idaho; and

WHEREAS, adoption and implementation of the Idaho Standard Achievement Test (ISAT) is imminent and will profoundly affect the educational system of Idaho and each individual student enrolled in school in Idaho; and

WHEREAS, the Legislature has established the Office of Performance Evaluations, under direction of a bipartisan oversight committee, to conduct reviews with thoroughness and impartiality; and

WHEREAS, it is appropriate that the Legislature call upon the resources of the Office of Performance Evaluations to conduct an assessment of the ISAT prior to its implementation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Office of Performance Evaluations shall conduct an assessment of the Idaho Standard Achievement Test. In completing the study, the Office of Performance Evaluations shall retain not less than three nationally recognized testing experts. Criteria used in the assessment shall include whether the test is appropriately aligned to Idaho standards, whether the test is reliable, and whether the test is valid. The Office of Performance Evaluations shall undertake this study as expeditiously as possible and, under direction of the Joint Legislative Oversight Committee, report its findings to the Legislature.

**SJM 108**  
**BY EDUCATION COMMITTEE**  
**A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the goal of the No Child Left Behind Act is to move all students to proficiency in reading, language arts and mathematics by 2014; and

WHEREAS, that goal can best be achieved by giving states flexibility to capitalize on their unique resources and populations; and

WHEREAS, the short and long term financial implications of compliance with the No Child Left Behind Act are of concern at the school district, state and national levels; and

WHEREAS, it is appropriate for the President and Congress to consider amendments to the No Child Left Behind Act that will continue both the commitment to a quality public school education for every child and ensure that states, school districts and educators can achieve the goals of the No Child Left Behind Act.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to support amendments to the No Child Left Behind Act that will accomplish the following:

(1) Allow determinations of "adequate yearly progress" to be made on the basis of individual student growth from year to year;

(2) Target options for choice and supplemental services to specific subgroups that fail to make adequate yearly progress rather than to all children in a school;

(3) Provide flexibility and more reasonable rules for English Language Learners so that these students are exempt from the calculation of a school's participation level until they have been in the United States for one full academic year; that scores of such students may, at the state's option, be exempted from

adequate yearly progress proficiency measurements until they have been in the United States for three years; and that students who become proficient in English will be allowed to continue to be included in the English Language Learners subgroup; and

(4) Permit states to identify, for school improvement only, those schools that fail to meet adequate yearly progress for two consecutive years in the same subject and for the same subgroup.

BE IT FURTHER RESOLVED that we request the United States Department of Education and the states to continue progress on the open communications that have started in implementing the No Child Left Behind Act.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to President George W. Bush, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SCR 124, SCR 125, and SJM 108** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

Senators Noh and Sorensen were recorded present at this order of business.

**S 1335**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
**AN ACT**

RELATING TO EMPLOYEE PROBLEM SOLVING AND DUE PROCESS PROCEDURES; AMENDING SECTION 67-5315, IDAHO CODE, TO REFERENCE A PANEL FOR INITIAL HEARING IN THE PROBLEM SOLVING PROCESS; AND AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5315A, IDAHO CODE, TO PROVIDE FOR AN INITIAL REVIEW, TO REQUIRE A RULE GOVERNING A THREE MEMBER PROBLEM SOLVING IMPARTIAL REVIEW PANEL AND TO SPECIFY THE PANEL HEARING PROCESS.

**S 1336**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
**AN ACT**

RELATING TO REPORTING OF JOB WAGE RATES; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1337A, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR REPORTS BY THE DEPARTMENT OF LABOR, TO DEFINE TERMS AND TO PROVIDE FOR AN ADJUSTMENT FOR INFLATION.

**S 1337**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO ESTABLISHING SALARIES; AMENDING SECTION 67-5309B, IDAHO CODE, TO PROVIDE THAT THE FIRST ONE PERCENT OF ANY INCREASE IN SALARIES FOR STATE EMPLOYEES SHALL BE AWARDED TO ALL EMPLOYEES REGARDLESS OF MERIT; AND DECLARING AN EMERGENCY.

**S 1338**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO PERSONNEL SYSTEM; AMENDING SECTION 67-5339, IDAHO CODE, TO STRIKE THE LIMIT ON UNUSED SICK LEAVE WHICH SHALL BE TRANSFERRED TO THE EMPLOYEE'S RETIREMENT ACCOUNT.

**S 1339**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO ADMINISTRATIVE RULES; PROVIDING LEGISLATIVE INTENT; AND AMENDING SECTION 67-5222, IDAHO CODE, TO PROVIDE FOR ECONOMIC IMPACT STATEMENTS AND REGULATORY FLEXIBILITY ANALYSES AND TO DEFINE TERMS.

**S 1340**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO CONTRACTOR REGISTRATION; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 52, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DECLARE A POLICY, TO DEFINE TERMS, TO REQUIRE REGISTRATION, TO SET FORTH EXEMPTIONS, TO CREATE THE IDAHO CONTRACTORS BOARD, TO SET FORTH BOARD POWERS AND DUTIES, TO PROVIDE FOR THE DENIAL OF LIEN RIGHTS, TO PROVIDE THAT A CONTRACTOR'S REGISTRATION NUMBER SHALL BE REQUIRED ON BUILDING AND OTHER PERMITS, TO REQUIRE THE POSTING OF PERMITS, TO PROVIDE AN EXEMPTION, TO PROVIDE FOR APPLICATIONS FOR REGISTRATION, TO SET FORTH REGISTRATION PERIODS, TO PROVIDE FOR RENEWAL OF REGISTRATION, TO CREATE THE IDAHO CONTRACTORS BOARD FUND, TO PROVIDE FOR RECIPROCAL REGISTRATION, TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION AND CARDS, TO REQUIRE NOTIFICATION UPON ANY CHANGE OF OWNERSHIP, TO REQUIRE THE DISPLAY OF CONTRACTOR REGISTRATION NUMBERS, TO PROVIDE FOR BOARD AUTHORITY TO INVESTIGATE AND DISCIPLINE, TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF REGISTRATION, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE PENALTIES, TO PROVIDE FOR SEVERABILITY AND TO SET FORTH POWERS AND DUTIES OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS; AND DECLARING AN EMERGENCY.

**S 1341**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO PAY GRADES OF STATE EMPLOYEES; AMENDING SECTION 67-5309C, IDAHO CODE, TO PROVIDE THAT AN EMPLOYEE SHALL ADVANCE IN THE SALARY RANGE TO THE LABOR MARKET AVERAGE RATE FOR THE PAY GRADE ASSIGNED TO A CLASSIFICATION, TO PROVIDE CRITERIA FOR ADVANCEMENT IN PAY AND TO REVISE PERFORMANCE EVALUATION CRITERIA.

**S 1342**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1030, IDAHO CODE, TO PROHIBIT CARRIERS THAT OFFER HEALTH BENEFIT PLANS UNDER THE SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT OR THE INDIVIDUAL HEALTH INSURANCE AVAILABILITY ACT FROM PROVIDING COMPENSATION IN THE FORM OF A FLAT FEE, TO REQUIRE COMPENSATION TO BE IN THE FORM OF A COMMISSION, TO LIMIT THE COMMISSION AND TO DEFINE "CARRIER."

**S 1343**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5003, IDAHO CODE, TO DEFINE "HEATING, VENTILATION AND AIR CONDITIONING SPECIALTY APPRENTICE" AND "HEATING, VENTILATION AND AIR CONDITIONING SPECIALTY JOURNEYMAN"; AMENDING SECTION 54-5005, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE BOARD; AMENDING SECTION 54-5006, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY MAY APPOINT HEARING OFFICERS AND IMPOSE CIVIL PENALTIES AS PROVIDED BY LAW AND RULE OF THE BOARD AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-5007, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY WITH RESPECT TO REQUIREMENTS FOR CERTIFICATES OF COMPETENCY; AMENDING SECTION 54-5009, IDAHO CODE, TO INCLUDE SPECIALTY APPRENTICES IN THE CLASSIFICATION OF APPRENTICE, TO INCLUDE SPECIALTY JOURNEYMEN IN THE CLASSIFICATION OF JOURNEYMEN AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5012, IDAHO CODE, TO PROVIDE APPLICATION AND CERTIFICATION FEES FOR SPECIALTY CONTRACTORS AND SPECIALTY JOURNEYMEN AND TO PROVIDE A REGISTRATION FEE FOR SPECIALTY APPRENTICES; AMENDING SECTION 54-5013, IDAHO CODE, TO REVISE REQUIREMENTS FOR RENEWAL OF A CERTIFICATE, TO PROVIDE FOR REINSTATEMENT OF A REVOKED CERTIFICATE AND TO



PROVIDE PROPER TERMINOLOGY; AMENDING CHAPTER 50, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5013A, IDAHO CODE, TO PROVIDE FOR REVOCATION OR SUSPENSION OF A CERTIFICATE, HEARINGS, TAKING TESTIMONY AND JUDICIAL REVIEW; AMENDING SECTION 54-5014, IDAHO CODE, TO PROVIDE THAT SPECIALTY JOURNEYMEN AND SPECIALTY APPRENTICES SHALL HAVE THEIR CERTIFICATE OF COMPETENCY OR ANNUAL REGISTRATION CARD AVAILABLE AT ALL TIMES WHILE ON THE JOB; AMENDING SECTION 54-5015, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5016, IDAHO CODE, TO EXTEND THE DATE FROM JULY 1, 2004, TO JANUARY 1, 2005, WHEN IT SHALL BE REQUIRED THAT PERMITS BE OBTAINED BEFORE PERFORMING NEW HEATING, VENTILATION OR AIR CONDITIONING WORK AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5017, IDAHO CODE, TO EXTEND THE DATE FROM JULY 1, 2004, TO JANUARY 1, 2005, WHEN APPLICATION CAN BE MADE FOR A PERMIT, TO ESTABLISH FEES BY LAW UNTIL THE BOARD ESTABLISHES FEES BY RULE, TO PROVIDE FOR EXPIRATION OF PERMITS, TO PROVIDE FOR ASSESSMENT OF DOUBLE AND TRIPLE FEES AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5021, IDAHO CODE, TO PROVIDE THAT ALL MECHANICAL INSPECTORS SHALL BE CERTIFIED AS PROVIDED BY RULE OF THE BOARD AND TO REQUIRE THAT ANY CITY OR COUNTY WHICH DOES NOT REGULARLY EMPLOY AT LEAST ONE PERMANENT CERTIFIED MECHANICAL INSPECTOR SHALL CONTRACT WITH THE DIVISION OF BUILDING SAFETY FOR THE PERFORMANCE OF INSPECTIONS AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5022, IDAHO CODE, TO REVISE PENALTY PROVISIONS, TO INCREASE THE CIVIL PENALTY AND TO PROVIDE PROPER TERMINOLOGY; AND DECLARING AN EMERGENCY.

**S 1344**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO PUPIL TRANSPORTATION; AMENDING SECTION 33-1510, IDAHO CODE, TO PROVIDE THAT THE CURRENT PUPIL TRANSPORTATION MODEL CONTRACT DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION SHALL BE USED, TO ALLOW FOR ADDENDA TO MEET LOCAL REQUIREMENTS, TO REQUIRE THE SUBMISSION OF CONTRACTS PRIOR TO SIGNING FOR REVIEW AND APPROVAL, TO REQUIRE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO RESPOND WITHIN A STATED TIME PERIOD BY NOTIFYING SCHOOL DISTRICTS OF CONTRACT APPROVAL OR CHANGES, AND TO PROVIDE FOR APPEAL TO THE STATE BOARD OF EDUCATION.

**S 1345**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO SCHOOL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE THAT

CERTAIN CONTRACTS SHALL NOT BE EXECUTED UNLESS IN COOPERATION WITH A COOPERATIVE AGENCY OR THROUGH A CONTRACT THAT HAS BEEN COMPETITIVELY BID BY THE STATE OF IDAHO, ONE OF ITS SUBDIVISIONS, OR AN AGENCY OF THE FEDERAL GOVERNMENT.

**S 1346**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE CRITERIA GOVERNING THE ATTENDANCE AREA OF A CHARTER SCHOOL.

**S 1347**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE, TO AUTHORIZE ADVANCE PAYMENT OF A PORTION OF ESTIMATED TRANSPORTATION COSTS.

**S 1348**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REQUIRE A PROCESS FOR AN OPEN ELECTION OF THE BOARD OF DIRECTORS OF A CHARTER SCHOOL AND TO PROHIBIT COMPENSATION.

**S 1349**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO THE STATE BOARD OF EDUCATION AND THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTION 33-110, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION IS THE AGENCY DESIGNATED TO NEGOTIATE, CONTRACT WITH, AND ACCEPT FINANCIAL AND OTHER ASSISTANCE FROM THE FEDERAL GOVERNMENT FOR ALL SUCH MATTERS AS PERTAIN TO HIGHER EDUCATION; AND AMENDING CHAPTER 15, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1505, IDAHO CODE, TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION IS THE AGENT DESIGNATED TO NEGOTIATE, CONTRACT WITH, AND ACCEPT FINANCIAL AND OTHER ASSISTANCE FROM THE FEDERAL GOVERNMENT FOR ALL SUCH MATTERS AS PERTAIN TO EARLY PUBLIC EDUCATION THROUGH GRADE TWELVE.

**S 1350**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO PUBLIC SCHOOL TEACHERS; AMENDING SECTION 33-1209, IDAHO CODE, TO PROVIDE THAT THE CHIEF CERTIFICATION OFFICER FOR THE DEPARTMENT OF EDUCATION OR THE

ADMINISTRATOR FOR THE PROFESSIONAL STANDARDS COMMISSION MAY BRING ALLEGATIONS AGAINST A TEACHER, TO PROVIDE FOR PLACING CONDITIONS ON A CERTIFICATE, TO DELETE PROVISION FOR PLACING A LETTER OF REPRIMAND IN THE RECORD OF A CERTIFICATE HOLDER WHEN THE EXECUTIVE COMMITTEE HAS DETERMINED THERE ARE NOT SUFFICIENT GROUNDS FOR SUSPENDING OR REVOKING THE CERTIFICATE, TO PROVIDE FOR DISMISSAL OF AN ALLEGATION, TO PROVIDE GROUNDS FOR WHICH A CERTIFICATE SHALL NOT BE ISSUED AND TO MAKE TECHNICAL CORRECTIONS.

**S 1351**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC SCHOOL TEACHERS; AMENDING SECTION 33-1208, IDAHO CODE, TO PROVIDE THAT CONDITIONS MAY BE PLACED ON A CERTIFICATE, TO PROVIDE AN ADDITIONAL GROUND FOR DENIAL, REVOCATION, SUSPENSION OR PLACING CONDITIONS ON A CERTIFICATE, TO PROVIDE AN ADDITIONAL GROUND FOR WHICH A CERTIFICATE SHALL BE PERMANENTLY REVOKED OR AN APPLICATION DENIED AND TO MAKE A TECHNICAL CORRECTION.

**S 1352**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE PUBLIC CHARTER SCHOOL APPEAL PROCEDURE; AMENDING SECTION 33-5207, IDAHO CODE, TO CLARIFY TIMING REGARDING THE SELECTION OF A HEARING OFFICER BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE TIMING OF THE HEARING OFFICER'S DUTIES, TO DELETE A CRITERION USED BY THE STATE BOARD OF EDUCATION TO EVALUATE THE ACTIONS OF A LOCAL SCHOOL BOARD IN DENYING THE PETITION FOR A NEW CHARTER SCHOOL, TO PROVIDE THAT THE STATE BOARD OF EDUCATION MAY REMAND THE DENIAL OF A PETITION FOR A NEW CHARTER SCHOOL TO THE LOCAL BOARD OF TRUSTEES FOR RECONSIDERATION, TO PROVIDE A PUBLIC HEARING AND DECISIONS OF THE LOCAL BOARD ON REMAND, TO PROVIDE FOR DIRECT APPEAL TO THE STATE BOARD OF EDUCATION AND TO PROVIDE FOR A WRITTEN DECISION OF THE STATE BOARD OF EDUCATION TO APPROVE OR DENY THE PETITION.

**S 1353**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO DRIVER TRAINING; AMENDING SECTION 33-1702, IDAHO CODE, TO REMOVE LANGUAGE SETTING FORTH ALTERNATIVE REQUIREMENTS FOR DRIVER TRAINING PROGRAMS; AMENDING SECTION 49-2101, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO PROVIDE STUDENTS WITH DRIVER EDUCATION WHILE STUDENTS ARE ENROLLED IN COMMERCIAL DRIVER

TRAINING PROGRAMS; AMENDING SECTION 49-2102, IDAHO CODE, TO REVISE LICENSE APPLICATION REQUIREMENTS, TO SET FORTH STANDARDS FOR COURSES OF INSTRUCTION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-2103, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REMOVE LANGUAGE PROVIDING THAT BOARD RULES SHALL INCLUDE REQUIREMENTS CONCERNING PREVIOUS PERSONAL AND EMPLOYMENT RECORDS AND OTHER MATTERS THE BOARD MAY PRESCRIBE FOR PROTECTION OF THE PUBLIC, TO REQUIRE CRIMINAL BACKGROUND CHECKS AND TO PROVIDE THAT A PERSON IS AUTHORIZED TO TEACH IN ANY PRIVATE APPROVED DRIVER TRAINING PROGRAM ONCE HE OR SHE HAS BEEN CERTIFIED AS AN INSTRUCTOR.

**S 1354**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-102, IDAHO CODE, TO PROVIDE ADDITIONAL QUALIFICATIONS FOR MEMBERS OF THE STATE BOARD OF EDUCATION.

**S 1355**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR A PROCESS TO NOTIFY CITIZENS OF VACANCIES IN ENROLLMENT, TO REQUIRE A SELECTION PROCESS TO BE CONDUCTED ANEW EACH YEAR, AND TO FURTHER GOVERN THE CONDUCT OF THE SELECTION PROCESS; AND AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**S 1356**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5202A, IDAHO CODE, TO PROHIBIT CREATION OF ADDITIONAL EXCLUSIVELY VIRTUAL DISTANCE LEARNING CHARTER SCHOOLS; AND DECLARING AN EMERGENCY.

**S 1357**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE THE PER STUDENT SUPPORT CALCULATION FOR CHARTER SCHOOLS.

**S 1358**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO DELETE OBSOLETE

PROVISIONS FOR LIMITING THE NUMBER OF CHARTER SCHOOLS WHICH MAY BE APPROVED AND TO DELETE PROVISIONS FOR ASSIGNING UNUSED ALLOTMENTS; AND AMENDING SECTION 33-5206, IDAHO CODE, TO DELETE DUTIES OF THE STATE BOARD OF EDUCATION FOR NUMBERING APPROVED CHARTER SCHOOL PETITIONS.

**S 1359**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE FOR MEMBERSHIP OF THE BOARD OF DIRECTORS OF A CHARTER SCHOOL AND TO PROVIDE FOR ELECTION OF BOARD MEMBERS FOLLOWING THE SECOND YEAR OF OPERATION OF THE SCHOOL; AND AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE THAT A REQUIRED DESCRIPTION IN A PETITION FOR A CHARTER SCHOOL AS PART OF THE GOVERNANCE STRUCTURE OF THE CHARTER SCHOOL SHALL INCLUDE ELECTIONS FOR THE BOARD OF DIRECTORS FOLLOWING THE SECOND YEAR OF OPERATION OF THE SCHOOL.

**S 1360**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT A PETITION FOR A NEW CHARTER SCHOOL MAY DESIGNATE ITS STATUS FOR FUNDING PURPOSES AS PART OF THE SCHOOL DISTRICT WHICH GRANTS ITS CHARTER OR AS AN INDEPENDENT LOCAL EDUCATION AGENCY AND TO PROVIDE THAT A PETITION FOR A NEW MULTIDISTRICT ELECTRONIC CHARTER SCHOOL SHALL DESIGNATE THE NEW SCHOOL AS AN INDEPENDENT LOCAL EDUCATION AGENCY FOR FUNDING AND ORGANIZATIONAL PURPOSES; AND AMENDING SECTION 33-5204, IDAHO CODE, TO CLARIFY THE MANAGEMENT OF A CHARTER SCHOOL, TO REQUIRE A CHARTER SCHOOL TO PRESENT ITS BUDGET IN ACCORDANCE WITH SECTION 33-801, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DIRECTORS OF A CHARTER SCHOOL IS SUBJECT TO THE PROVISIONS OF SECTION 33-507, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1361**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REQUIRE THAT EACH PETITION SUBMITTED TO CONVERT AN EXISTING SCHOOL OR TO ESTABLISH A NEW CHARTER SCHOOL SHALL CONTAIN A COPY OF THE ARTICLES OF INCORPORATION AND THE BYLAWS OF THE NONPROFIT CORPORATION.

**S 1362**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE THAT A DESCRIPTION OF ADMISSION PROCEDURES IN A PETITION FOR A CHARTER SCHOOL MAY ALLOW FOR RESERVATION OF TEN PERCENT OF AVAILABLE CAPACITY IN EACH GRADE FOR CHILDREN OF SPECIFIED PERSONS, TO REQUIRE THAT ANY LOTTERY SHALL BE CONDUCTED BY A THIRD PARTY, TO PROVIDE THAT THE PUBLIC SCHOOL ATTENDANCE ALTERNATIVE FOR STUDENTS WHO CHOOSE NOT TO ATTEND A CHARTER SCHOOL IN THE DISTRICT APPLIES ONLY TO PETITIONS TO CONVERT AN EXISTING SCHOOL, TO PROVIDE THAT A PETITION FOR A CHARTER SCHOOL, NOT A MULTIDISTRICT ELECTRONIC CHARTER SCHOOL, SHALL CONTAIN A DESCRIPTION OF THE ATTENDANCE AREA AND TO DEFINE ATTENDANCE AREA.

**S 1363**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO REQUIRE THAT EMPLOYMENT OF CHARTER SCHOOL TEACHERS AND ADMINISTRATORS SHALL BE ON WRITTEN CONTRACT IN FORM AS APPROVED BY THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION CONDITIONED UPON A VALID CERTIFICATE BEING HELD BY SUCH PROFESSIONAL PERSONNEL AT THE TIME OF ENTERING UPON THE DUTIES THEREUNDER.

**S 1364**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE EXCEPTIONS TO CERTAIN FISCAL REQUIREMENTS OF LAW IN CALCULATING FINANCIAL SUPPORT FOR CHARTER SCHOOLS.

**S 1365**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1366**  
**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1406, IDAHO CODE, TO PROVIDE THAT PROSECUTIONS FOR SPECIFIED FISH AND GAME MISDEMEANOR OFFENSES MUST BE COMMENCED WITHIN THREE YEARS AFTER COMMISSION OF THE OFFENSES.

**S 1367****BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO LATERAL DITCHES; AMENDING CHAPTER 13, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1310, IDAHO CODE, TO AUTHORIZE REPAIRS, IMPROVEMENTS AND MAINTENANCE BY AN IRRIGATION DELIVERY ENTITY UNDER CONDITIONS SPECIFIED.

**S 1368****BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO MANSLAUGHTER; AMENDING SECTION 18-4006, IDAHO CODE, TO PROVIDE THAT CERTAIN OPERATION OF A VESSEL RESULTING IN THE KILLING OF A HUMAN BEING MAY CONSTITUTE A TYPE OF MANSLAUGHTER; AMENDING SECTION 18-4007, IDAHO CODE, TO PROVIDE FOR PUNISHMENT FOR MANSLAUGHTER BY VESSEL; AND AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE THAT A PEACE OFFICER IS AUTHORIZED TO ORDER THE WITHDRAWAL OF A BLOOD SAMPLE FROM A PERSON IF THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED MANSLAUGHTER BY VEHICLE OR VESSEL.

**S 1369****BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE LEGAL RATE OF INTEREST; AMENDING SECTION 28-22-104, IDAHO CODE, TO PROVIDE FOR A MINIMUM LEGAL RATE OF INTEREST ON MONEY DUE ON THE JUDGMENT OF ANY COMPETENT COURT OR TRIBUNAL BEGINNING ON JULY 1, 2004.

**S 1370****BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE OPERATION OF BOATS; AMENDING CHAPTER 70, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7034A, IDAHO CODE, TO PROVIDE FOR THE IMPLIED CONSENT OF PERSONS OPERATING OR IN ACTUAL CONTROL OF VESSELS ON WATERS OF THE STATE RELATING TO EVIDENTIARY TESTING FOR ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES, TO PROVIDE CERTAIN CONDITIONS, RESTRICTIONS AND RIGHTS RELATING TO SUCH TESTING, TO PROVIDE FOR CERTAIN IMMUNITIES OF INDIVIDUALS OR ENTITIES OBTAINING A BODY FLUID SAMPLE OR PERFORMING EVIDENTIARY TESTING, TO PROVIDE FOR THE WITHDRAWAL OF BLOOD SAMPLES, TO DEFINE A TERM AND TO PROVIDE FOR SECOND EVIDENTIARY TESTS; AND AMENDING SECTION 67-7034, IDAHO CODE, TO PROHIBIT PERSONS UNDER THE AGE OF TWENTY-ONE YEARS WITH SPECIFIED ALCOHOL CONCENTRATIONS FROM OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF VESSELS ON THE WATERS OF THE STATE AND TO PROVIDE THAT

CERTAIN PERSONS AUTHORIZED TO WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING THE CONTENT OF ALCOHOL OR OTHER INTOXICATING SUBSTANCES SHALL BE IMMUNE FROM CRIMINAL LIABILITY.

**S 1371****BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2705, IDAHO CODE, TO INCLUDE SPORES OR MYCELIUM CAPABLE OF PRODUCING MUSHROOMS THAT CONTAIN PSILOCYBIN OR PSILOCIN IN SCHEDULE I CONTROLLED SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

S 1335, S 1336, S 1337, S 1338, S 1339, S 1340, S 1341, S 1342, S 1343, S 1344, S 1345, S 1346, S 1347, S 1348, S 1349, S 1350, S 1351, S 1352, S 1353, S 1354, S 1355, S 1356, S 1357, S 1358, S 1359, S 1360, S 1361, S 1362, S 1363, S 1364, S 1365, S 1366, S 1367, S 1368, S 1369, S 1370, and S 1371 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:35 p.m. until the hour of 10:30 a.m., Tuesday, February 17, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary